



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 12

LAWRENCE M LAVIN JR
PATENT DEPARTMENT E2NA
MONSANTO COMPANY
800 N LINDBERGH BLVD
ST LOUIS MO 63167

COPY MAILED

SEP 10 2002

OFFICE OF PETITIONS

In re Application of	:
Anderson	: DECISION
Application No. 09/688,848	: GRANTING-IN-PART
Filed: October 16, 2000	: PETITION
Attorney Docket No. 38-21(51463)B	:

This is a decision on the petition filed October 16, 2000 under 37 CFR 1.183 requesting waiver of 37 CFR 1.821(c) which requires a paper copy of the sequence listing for this case.

The petition is granted to the extent indicated below.

Petitioner asserts the paper copy of the sequence listing would exceed 2200 pages, and seeks waiver of the requirement for a paper copy.

While the separate requirement for a sequence listing under 37 CFR 1.821(c) may not be waived *per se*, as each application must be complete in of itself pursuant to 37 CFR 1.4, it is noted that in the since the date the petition was filed, effective November 7, 2000 (see 65 F.R. 54604 at 54620 (Sept. 8, 2000) the USPTO has adopted 37 CFR 1.52(e) which permits the submission of sequence listings in either paper or CD-ROM format, as part of the specification. That is, submitting the sequence listing in the specification may now be done either by way of paper or CD-ROM. See 37 CFR §§ 1.52(e); 1.821(c). Accordingly, the petition is granted to the extent that petitioner may avail himself of the rules now in effect governing the medium for the sequence listing in the specification. This requires, *inter alia*, 2 copies on a CD-ROM, in addition to the CRF of record. See the Notice mailed May 11, 2001. While this petition was only recently brought to the attention of this office, the delay in treating the petition is nevertheless regretted.

This application is being forwarded to Technology Center AU 1634

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-1820.



Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy